



THE CITY OF SAN DIEGO

Report to the City Council

DATE ISSUED: October 28, 2016 REPORT NO: 16-095

ATTENTION: Honorable Council President Sherri Lightner and City Councilmembers,
Agenda of November 14, 2016

SUBJECT: High Occupancy Single Dwelling Unit Ordinance Applicable Citywide
and Within College Area (aka College Area Community Character
Preservation Ordinance), and Increased Code Enforcement Administrative
Civil Penalties Ordinance Applicable Citywide

REQUESTED ACTION:

Approve the High Occupancy Single Dwelling Unit and Increased Code Enforcement Administrative Civil Penalties Ordinances. Also, refer to the appropriate Council Committee the issue of expanding the focus area of the High Occupancy Single Dwelling Unit Ordinance to additional neighboring communities, specifically the Eastern Area Community Planning area.

STAFF RECOMMENDATION:

1. **APPROVE** an ordinance amending the Land Development Code (Chapter 13, Article 1, Chapter 11, Article 3, Chapter 14, Article 2, and Local Coastal Program to place certain limits on the development of larger single family homes in RS zones citywide, as well as additional limits on the development of larger single family homes in RS zones in the College Area Community Plan area.
2. **APPROVE** an ordinance amending Municipal Code Chapter 1, Article 2 to increase the maximum allowable administrative civil penalties for enforcement actions carried out by the City of San Diego for all San Diego Municipal Code violations citywide.
3. Refer to the appropriate Council Committee, the issue of expanding the focus area of the High Occupancy Single Dwelling Unit Ordinance to additional areas, specifically the Eastern Area Community Planning area.
4. Should the City Council wish to delay acting on the proposed High Occupancy Single Dwelling Unit Ordinance, request that the City Attorney's Office draft a moratorium ordinance for developments subject to the High Occupancy Single Dwelling Unit Ordinance for action by the City Council. Draft findings are included in this report (Attachment 4).

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

The High Occupancy Single Dwelling Unit and Increased Code Enforcement Administrative Civil Penalties Ordinances have been drafted by the City Attorney's Office, working with Council District 9, in response to the direction of the City Council's Rules Committee on April 11, 2016. The purpose of the former ordinance is to help ensure that the future construction or

remodeling of houses in the College Area is compatible with the area's community character, and that off-street residential parking does not adversely impact the surrounding neighborhood.

The purpose of the Increased Code Enforcement Administrative Civil Penalties Ordinance is to update the current caps on administrative civil penalties, which have not been increased since 2003. Experience has shown that the lower penalties are not necessarily a sufficient deterrent to operating an illegal medical marijuana dispensary, illegally tearing down a historic structure, or violating significant environmental regulations.

DISCUSSION:

Councilmember Emerald believes that this matter can be resolved without making significant changes to the Land Development Code. And, neither the Councilmember nor the permanent residents of the community desire to eliminate or markedly reduce housing opportunities for students attending SDSU. Therefore, the proposed ordinance is modest in scope, focusing on the large remodels that are substantially out of character with the types of residential development that have traditionally existed in the College Area. In order to avoid shifting the problem to other neighborhoods, the ordinance makes some changes citywide and applies others only to the College Area.

It should be noted that these new ordinances are just the first, albeit critical, step in preserving the character of the single family neighborhoods near SDSU. The neighborhoods and SDSU are inextricably linked. Given the growth in SDSU and the changes in the area, the City should consider options for adding sufficient residential units to accommodate the demand for student housing, especially near major transportation corridors. Additional attention should be paid to the regulation of traditional dormitories and minidorms as a land use. These actions require updating the community plan. The College Area Community Plan was last updated in 1987. Since then, much has changed. For example, SDSU has adopted a new master plan and the College Area Redevelopment Plan was made moot by the end of redevelopment agencies.

The Impact of High Occupancy Single Dwelling Units in the College Area

The neighborhoods around San Diego State University (SDSU) are being adversely impacted by the expansion and/or remodeling of existing single family homes (commonly referred to as "mini-dorms") to accommodate people eighteen years of age and older.. This report will largely refer to high occupancy single dwelling (HOSD) units, which we regard as enlarged or remodeled single family homes that are of a bulk, scale, and design that is out of character with the single family homes that have traditionally occupied the neighborhoods in question. This rapidly increasing housing type represents a commercialization of these single-family neighborhoods and what many residents fear will reach a tipping point with regard to the nature of their communities.

HOSD units create a drain on the resources of the City including the Police Department, the Environmental Services Department, and the Code Enforcement Division. They may also necessitate action by SDSU, involving the campus police department, administrative disciplinary actions, and education and outreach to occupants. The higher the numbers of occupants the greater the impacts.

HOSD units can impair the quiet enjoyment of the surrounding homes within the RS zones by creating excessive noise, excessive trash, excessive demand for parking, and excessive paved areas for off-street parking. High occupancy units commonly have large parking lots which create negative aesthetic impacts, and the opportunity for additional noise intrusion immediately adjacent to the homes and backyards of neighboring properties.

High occupancy housing in single family (RS zoned) neighborhoods in the College Area has been an issue for decades. The City has adopted legislation previously (see discussion under the 'Draft Ordinance' section). One of these, the Residential High Occupancy Permit Ordinance has had some impact, but its reach is limited. The recession in 2008 and the corresponding decline in SDSU student enrollments had a greater effect in reducing mini-dorm impacts. For a few years, the number of mini-dorms remained static, and individual mini-dorms housed five adults on average.

Since SDSU increased its enrollment cap from 25,000 to 35,000 in 2007, the conversion of houses to HOSD units has accelerated. Many of the recent conversions are for units with six or more bedrooms. Homes originally built with two or three bedrooms and designed to accommodate a family are being expanded into residences intended for upwards of 10 or more adults. These conversions are accomplished by various means, including adding square footage, converting the living room, garage, den, patio and even closets into bedrooms, and/or by subdividing existing bedrooms. These remodels typically involve paving over parts of the front, rear, and/or side yard to provide the required off-street parking. These types of conversions create a disincentive for the home to ever be converted back to traditional single family use.

Of the estimated 4,000 single family homes in the College Area RS zones, 813 have been identified as mini-dorms (not including traditional long term rentals or care facilities as permitted by State law). In the last three years, 135 new mini-dorms have been identified. The purpose of the RS zone is to provide for development of single dwelling units that promote neighborhood quality, character, and livability; the zone is intended to allow reasonable use of property while minimizing adverse impacts to adjacent properties.

College Area neighborhoods are historically composed of three and four bedroom houses, and within San Diego County, only 4.5 percent of single-family homes have five or more bedrooms. Nationally, only four percent (4%) of all single family homes have five or more bedrooms (US Census, American Factfinder, 2010-2014 American Community Survey 5-Year Estimates, San Diego County). Of the 813 College Area mini-dorms, approximately 284 (35%) would be classified as HOSD units, with 5 or more bedrooms, and with an average of 6 bedrooms. The number of residents can be significantly higher than the number of bedrooms because of shared bedrooms and people sleeping in living rooms, dining rooms, family rooms, closets, and garages.

While HOSD units are concentrated in streets closest to SDSU, they are spread throughout the College Area, and beyond. The fact that up to 20% of the single family housing stock in the College Area is made up of minidorms does not adequately reflect their concentration in certain blocks. Several College Area blocks are made up of nearly 100% minidorms, and additional blocks are facing that outcome in the near future. The infrastructure of these neighborhoods was

not designed and built to accommodate the numbers of occupants that the larger minidorms contain and their concentration in certain areas.

The residents of the College Area, and other affected communities, are not at all opposed to having single family homes within RS zones occupied by multiple persons 18 years of age and older. However, they seek to ensure that home remodels are compatible with the scale and character of their neighborhood. They want homes in the area to be sized and configured so as to limit adverse noise, parking, aesthetic and other impacts. Councilmember Emerald and the vested residents of the community believe that the community is stronger with a diverse mix of residents; with older adults, families, and college students all sharing a vital community. They believe that even the student residents will be better off living in a neighborhood that shares the character of the one they may have grown up in and/or that they may end up living in after graduating.

PROPOSED ORDINANCES

1. Summary of Proposed High Occupancy Single Dwelling Unit Ordinance

The High Occupancy Single Dwelling Unit Ordinance would amend the Land Development Code (Chapter 11, Article 3; Chapter 13, Article 1; and Chapter 14, Article 2) and the City's Local Coastal Program to place certain limits on the development of larger single family homes in RS zones citywide, as well as additional limits on the development of larger single family homes in RS zones in the College Area Community Plan area. The proposal involves regulations related to maximum allowed bedrooms, off-street parking spaces requirements and restrictions, and the amount of interior common area allowed.

Because high occupancy single dwelling units have the greatest impact on the area influenced by SDSU, Councilmember Emerald believes it is not necessary or desirable to have all of the proposed restrictions apply city-wide. The original proposal was to create a new overlay zone including the College Area, along with the Rolando and El Cerrito communities to the south. The Technical Advisory Committee (TAC) and City staff recommended that the focused regulatory area be the College Area Community Plan area (see attachment 1 for more discussion), and the ordinance reflects that recommendation. Subsequently, the Rules Committee, the Community Planners Committee, and the Planning Commission have indicated support for extending the area of the focused regulatory area to the Eastern Area Community Plan area. Because this legislation has been on a tight time frame, it was not possible to have the required public notices include such an amendment. Therefore, it is recommended that the Council, should this ordinance be approved, refer to the appropriate Council Committee for consideration, the issue of expanding the focus area of the High Occupancy Single Family Dwelling Unit Ordinance to include the Eastern Area Community Planning area.

Proposal #1: Reduce allowable off-street parking outside a garage.

In RS zones citywide, no more than four parking spaces are permitted outside a garage of on lots less than 10,000 square feet. The ordinance would add a correspondingly larger limit of six parking spaces outside a garage on lots of 10,000 square feet or greater, applicable citywide.

Having seven or more surface parking spaces on any RS zoned parcel is not consistent with single family character.

The ordinance would require that, citywide, the lot size calculation for the above rules exclude non-developable land (i.e. RS-1-1 zoned portions of lots with more than one zoning designation). There is no reason for a single family lot to have additional parking spaces than another lot because it has more unbuildable area.

Proposal #2: Clarifies the definition of bedroom.

Currently, the definition of bedroom includes an enclosed space that could be used for sleeping and has a permanent door. This amendment would broaden the definition to include rooms "designed to have a door." This citywide revision is intended to make it harder for persons who want to evade bedroom regulations by designing a room like a den or study meant for illegal conversion to a bedroom.

Proposal #3: Reduce the maximum number of allowable bedrooms within College Area Community Plan area.

Currently, lots less than 10,000 square feet in RS zones citywide are limited to 6 bedrooms maximum. The ordinance would, within College Area Community Plan area, limit the number of bedrooms to five on lots less than 10,000 square feet and to six on lots 10,000 square feet or greater. In addition, it is proposed that the lot size calculations for the existing and proposed regulations not include RS-1-1 zoned portions of lots with more than one zoning designation. There is no reason that more bedrooms should be allowed on a single family lot simple because it has more unbuildable area than another lot.

The purpose of the proposed regulations is to limit the impact of oversized home conversions on the single family character (bulk, scale, etc.) of the neighborhoods in the College Area. However, it is felt that lots with more buildable area can accommodate a sixth bedroom while still remaining within the community character.

Parcels having only RS-1-1 zoning, as well split zone parcels that have been developed on the RS-1-1 portions of the lot, have been excluded from the provisions that apply to the College Area. These parcels are large lots (40,000 sq. ft. minimum), and are appropriate for larger homes.

Proposal #4: Prohibit required parking spaces from being located within the first 30 feet of the front lot line within College Area Community Plan area (excluding RS-1-1 zoned parcels).

The purpose is to eliminate the parking of vehicles in front of the home, which is unsightly and out of character with the existing single family community in the College Area. Such placement can block the front door or picture window of the home, which is atypical of the community, and can limit the safety afforded by having "eyes on the street."

Parcels having only RS-1-1 zoning, as well split zone parcels that have been developed on the RS-1-1 portions of the lot, have been also been excluded from this requirement for the reasons noted above.

Proposal #5: Limit the combined gross floor area of all bedrooms to 60% of the gross square footage of the home within College Area Community Plan area.

High occupancy homes in the College Area are often created by converting dens, studies, living rooms, to bedrooms, thus reducing the amount of common area. The purpose of this proposal is to ensure that home are not remodeled such that the potential for future ownership by those not needing a high occupancy configuration is precluded. This keeps open the potential for a variety of housing in the College Area, and avoids locking in a particular housing type that is inconsistent with the bulk, scale, and character of the single family zone. The 60% standard is very conservative. A 2013 survey of their single-family builder membership, by the National Association of Home Builders found that the average new home has less than 20% of its space devoted to bedrooms.

Proposal #6: Minor cleanup language

The ordinance contains some minor language modifications of a few existing related Land Development Code sections that apply both Citywide and within specific areas; these changes would add clarity and/or consistency but not change the existing requirements. The purpose of these changes is to clarify the code language and make it conform to the entire Land Development Code.

2. Summary of Increased Code Enforcement Administrative Civil Penalties Ordinance

The Increased Code Enforcement Administrative Civil Penalties Ordinance would amend Municipal Code Chapter 1, Article 2 to increase the maximum allowable administrative civil penalties for enforcement actions carried out by the City of San Diego for all San Diego Municipal Code violations citywide. The maximum administrative civil penalties would go from \$2,500 to \$10,000 per violation per day. The total maximum penalty per parcel or structure for related violations would go from \$250,000 to \$400,000.

Concerns have been expressed by SDSU students and property owners that they might be subject to the proposed increased maximums should they receive a citation under the SDPD Community Assisted Party Program (CAPP). Because such citations fall under a different SDMC section, that current maximum fine citation amount of \$1,000 would remain unchanged.

The City of San Diego enacted the Administrative Remedies ordinance in 1993 to provide a wider range of enforcement tools and flexibility to code enforcement officials. At that time, penalty amounts were set with a graduating scale of \$100, \$250, \$500, \$750 and \$1000 per Administrative Citation, or a variable Administrative Civil Penalties that could be assessed up to \$1000 per day, per violation, but not to exceed a maximum of \$100,000. The ordinance enabled code enforcement officials to quickly address both large and small code violations without having to resort to prosecution via the City Attorney's Office. First-time or lower level offenses

could be rectified quickly with warnings or smaller penalties, while higher fines were available for more significant violations or recalcitrant violators.

The ordinance was successful in resolving low level violations. However, the City recognized that a larger penalty was necessary to be effective against more significant violations. Early use of the larger penalties showed that the higher penalty rates were not a deterrent in all cases and that some accepted even the largest fines as a "cost of doing business." In 2003, the City raised the limit of Administrative Civil Penalties to \$2500 per day up to a maximum of \$250,000 in order to reinforce the deterrent effect against more significant violations.

In 2010, code enforcement officials once again found themselves in a situation where the upper end of civil penalties failed to adequately address certain violations. Illegal marijuana dispensaries began appearing in all areas of the City. The dispensaries were so profitable that even a threat of a \$250,000 fine was not a deterrent to their operation. In lieu of any other effective remedy, all of these cases needed to be submitted to the City Attorney's Office for prosecution. The number of cases given to the City Attorney soon taxed their resources and limited their ability to respond to other types of code enforcement cases. These cases continue to be a problem in the City and more options are needed to enforce against their illegal operation. Raising the maximum penalty amounts to \$10,000 with a maximum total of \$400,000 for Administrative Civil Penalties will provide another avenue of enforcement and relieve some of the pressure placed on City Attorney prosecutors.

Illegal marijuana dispensaries are not the only violation types that could result in the need for a higher level of penalties. The City needs an additional deterrent related to storm water violations, illegal grading, and the demolition of potential historical resources. The nature of these violations limits the City's ability to significantly penalize those found in violation. Administrative Civil Penalties and Administrative Citations are based upon a limited daily rate. In most cases, the violations above consist of a single day violation that may be fined no more than \$2500 under the present administrative process. This amount is not a significant deterrent if it allows the violator to avoid an expensive higher level permit process. For example, an owner of a potential historic resource could choose to demolish the structure without permits. Under the present ordinance they would be subject to a maximum \$2500 administrative penalty while avoiding a potential discretionary permit costing upwards of \$10,000. Similarly, in the case of storm water violations, a violator could pay a \$2500 administrative penalty as an alternative to spending potentially thousands of dollars in resources necessary to ensure continuing compliance with storm water regulations.

This ordinance change is not intended to raise penalty rates across the board for all violation types. It is intended to provide code enforcement officials with better administrative options to quickly and efficiently penalize significant violations and deter the expansion of those violations. The increased penalty amounts are reasonable given their intended application and not dissimilar to those enacted by the City of Los Angeles who authorized administrative penalties of between \$100 and \$256,000 per day dependent upon the severity and frequency of the violation. It should be noted that when determining the appropriate amount of Administrative Civil Penalties, code enforcement officials must still follow the factors listed in the Municipal Code. Raising the penalty amounts as requested provides an increased deterrent that is necessary but presently

unavailable. In addition, it also assists in rebalancing the workload between City Attorney and Code Enforcement staff and enables the City to accomplish more with its existing code enforcement resources. The maximum amount of a civil administrative citation would remain unchanged in the Municipal Code at \$1,000.

Conclusion:

Council President Pro Tem Emerald believes that the proposed legislation is needed to prevent the College Area from reaching a tipping point with regard to single family residential character. Passing this tipping point may mean that the single family residential character in this vital, diverse community has been lost forever.

Therefore, it is recommended that the City Council approve the recommended actions.

CITY STRATEGIC PLAN GOAL(S)/OBJECTIVE(S):

The proposed ordinance is in direct alignment with the following City of San Diego goals and objectives: specifically,

Goal 2 – Work in partnership with all our communities to achieve a safe and livable neighborhoods, and

Goal 3: Create and sustain a resilient and economically prosperous City.

FISCAL CONSIDERATIONS: None

EQUAL OPPORTUNITY CONTRACTING INFORMATION (if applicable): N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

City Council:

On November 3, 2015, the City Council heard testimony regarding high occupancy dwellings in the vicinity of San Diego State University and voted 9-0 to direct this issue to the appropriate Council Committee.

Technical Advisory Committee (TAC):

The TAC reviewed the proposal on July 13, 2016 and August 10, 2016. The TAC voted 3-1-7 to recommend the City Council adopt some of the regulations proposed at that time, and not adopt others. The ordinance before the Planning Commission has been modified to address many, but not all, of the concerns expressed by the TAC (see attachment 2 for details).

Community Planning Group Recommendation:

On July 13, 2016, the College Area Community Council approved the concept of an ordinance, including the specific provisions included in the proposed ordinance (10-7-1).

Community Planners Committee (CPC):

This item was recommended for approval on September 27, 2016, including a recommendation that the area of focused regulations be extended to the Eastern Area Community Plan area, and that the ordinance provisions in the focused area be studied for potential application citywide (18-2-2).

City Council Rules Committee:

On April 11, 2016, the Rules Committee voted 4-1 to direct the City Attorney to draft an ordinance addressing the matter. The subject ordinance was drafted in response to this direction by the City Attorney's Office. On September 28, 2016, the Rules Committee voted 3-0 to recommend that the City Council approve the ordinance, with a recommendation that the area of focused regulations be extended to the Eastern Area Community Plan area.

Planning Commission

On October 13, 2016, the Planning Commission voted (5-1-1) to recommend approval of the High Occupancy Single Dwelling Unit Ordinance. The motion included recommendations that the Council consider the effects on neighboring communities, consider a plan to provide affordable housing for the students, and consider adding a Code Enforcement officer to address the issues in the communities. They also added a request to have the issue returned to the Commission in two years for review.



Marti Emerald
Council President Pro Tem
Councilmember 9th District



Tim Taylor
Chief Policy Advisor
Council District 9

- Attachment(s):
1. Technical Advisory Committee Recommendations
 2. Map of College Area Community Plan area
 3. Map of Campus Parking Overlay Zone (SDSU)
 4. Draft Moratorium Findings

TECHNICAL ADVISORY COMMITTEE (TAC)

The Technical Advisory Committee and Code Monitoring Team reviewed the proposal on July 13, 2016 and August 10, 2016. The TAC voted 3-1-7 to recommend the City Council adopt some of the regulations. The following details how the ordinance before the Planning Commission has been modified to address most of the concerns expressed by the TAC.

1. Creating a new College Area Impact Overlay zone.

The TAC and City staff recommended that any targeted area should be based on an existing defined area. There was discussion of using the existing Parking Overlay Zone around SDSU (see Attachment 3). The TAC indicated that using the College Area Community Plan area (see Attachment 2) would be superior because the Parking Overlay Zone is only for the purpose of controlling on-street parking and the College Area Community Plan area has undergone environmental analysis specific to its boundaries.

The Ordinance has been revised to incorporate this recommendation.

2. Bedroom Limits

The TAC supported applying 6 bedroom maximum to all RS lots in College Area, in addition to the existing 6 bedroom limit on lots less than 10,000 square feet citywide.

The ordinance applies a five bedrooms limit to lots of less than 10,000 square feet in RS zones within College Area Community Plan. It incorporates the TAC recommendation with regard to lots of 10,000 square feet or more.

- Excluding RS-1-1 zoned portions (i.e. environmentally sensitive lands) of RS lots with more than one zoning designation when applying the above lot size calculations.

To address the TAC's concerns with this language creating confusion with rules that only apply in a single area, this has been changed to from the College Area to Citywide.

- Limiting the combined gross floor area of all bedrooms to 60% of the gross square footage of the home.

The TAC did not support. This has been retained.

- Creating a new definition for bedrooms.

The TAC did not support due to need for additional clarification. This definition has been modified in response to TAC concerns.

3. Off-street parking

The TAC recommended that the proposed maximum number of parking spaces outside a garage on RS lots 10,000 square feet or greater should be applied citywide.

The Ordinance has been revised to incorporate this recommendation.

The TAC did not support the following provisions, and these have been retained/modified:

- Excluding RS-1-1 zoned portions (i.e. environmentally sensitive lands) of RS lots with more than one zoning designation when applying the above lot size calculations.

To address the TAC's concerns with this language creating confusion with rules that only apply in a single area, this has been changed to from the College Area to Citywide.

- Excluding RS-1-1 zoned portions (i.e. environmentally sensitive lands) of RS lots with more than one zoning designation when applying the existing restriction for maximum parking spaces outside a garage of on lots less than 10,000 square feet (which is 4).

To address concerns with this language creating confusion with rules that only apply in a single area, this has been changed to from the College Area to Citywide.

- Prohibiting surface required parking spaces within 30 feet of the front lot line.

The reason given for non-support was that it conflicted with Sec. 142.0531(f). The language has been modified to address this conflict.

- Requiring that half of the required off-street parking spaces must be in the rear of the lot.

The TAC did not support and it has been removed

- Requiring that half of the required off-street parking spaces not be visible from the street.

The TAC did not support and it has been removed

4. Changing the Residential High Occupancy Permit to a registry.

The TAC did not support and it has been removed.

5. Requiring RS zoned lots that are previously conforming to bring remodeled home into compliance by creating 3 time the parking normally required by the remodel.

TAC did not support and it has been removed.

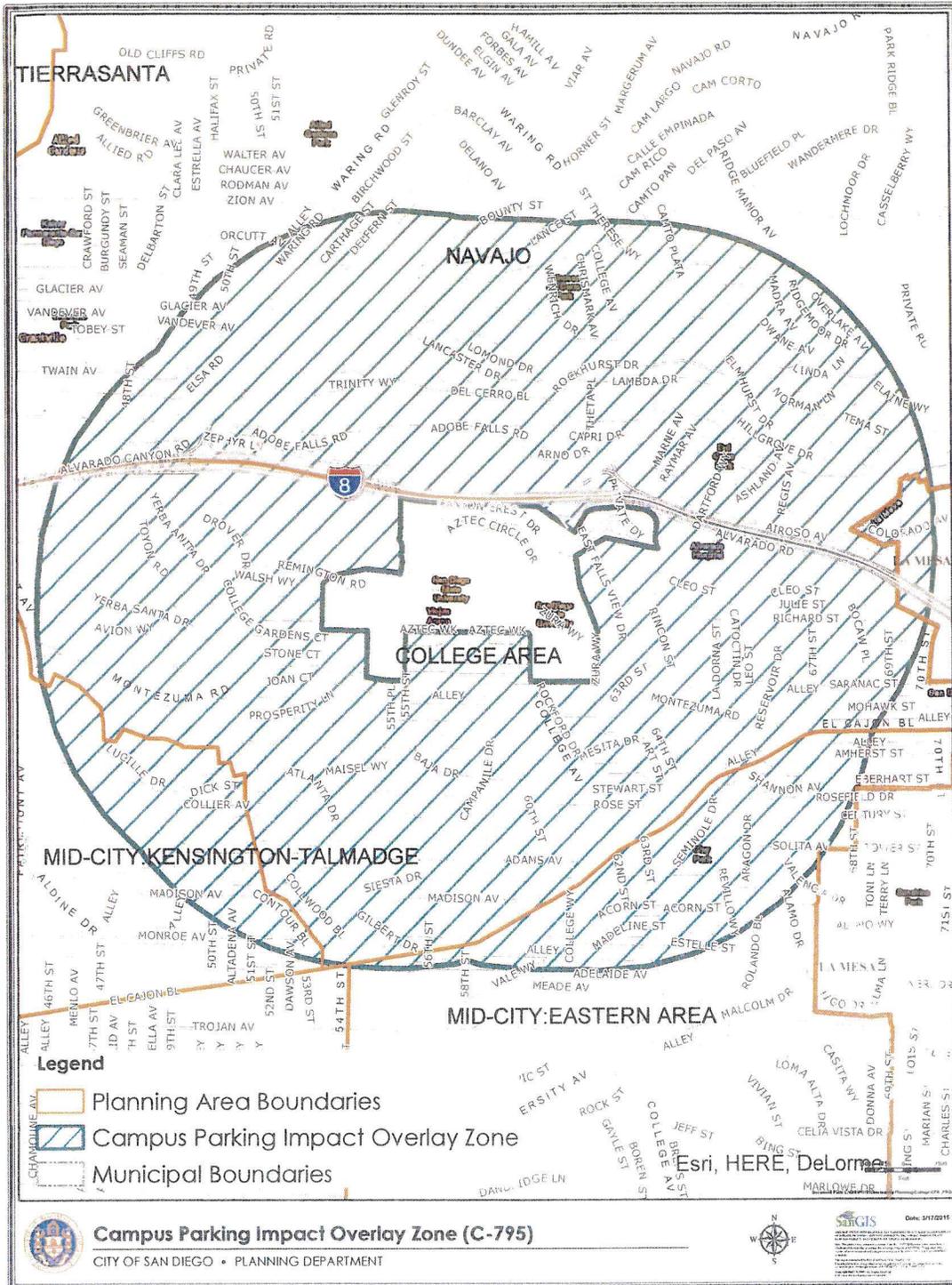
6. Minor language modifications for clarity without change to existing requirements.

TAC supported proposals.

COLLEGE AREA COMMUNITY PLAN AREA



CAMPUS PARKING IMPACT OVERLAY ZONE - SDSU



DRAFT FINDINGS FOR MORATORIUM

WHEREAS, there has been a proliferation of room additions in some of the RS (Residential Single Unit) zoned neighborhoods in proximity to San Diego State University ("SDSU Neighborhoods") as depicted on Exhibit "A" attached hereto and incorporated herein by reference and

WHEREAS, these room additions have resulted in housing with characteristics of housing in RM (Residential Multi Unit) zones which are incompatible with these neighborhoods and have caused overcrowding of these neighborhoods; and

WHEREAS, the addition of rooms and incompatible housing has caused a negative effect on the health, safety and welfare to the neighboring residences by the creation of excessive noise, traffic, speeding, lack of parking, excessive use of on-street parking, conversion of back, side and front yards for parking, obstruction of public streets, menacing conduct, fights, harassment, disorderly conduct, littering, public drunkenness, underage drinking, indecent exposure, public urination, loud and unruly gatherings, vandalism and criminal mischief; and

WHEREAS, in addition to the above, there has also been a lack of property maintenance, unsightly lawns, parking on lawns, weeds, and trash cans left on streets for days, which negatively impacts the health, safety and welfare of these SDSU neighborhoods; and

WHEREAS, due to the above described unlawful activities, there has been a decline in the quality of life in the SDSU Neighborhoods, an abundance of complaints by neighbors about the unlawful activity, excessive calls for police service for unruly gatherings, and over 400 active code violation cases since November 2012;ⁱ and

WHEREAS, due to the proliferation of room additions resulting in overcrowding, the character of the single family residential zone in the SDSU Neighborhoods has diminished; and

WHEREAS, the cumulative effect of changes to the housing types in these neighborhoods is reaching a saturation point, with over 20% of the 4,000 RS zoned houses in the College Area currently in use as so-called "minidorms"ⁱⁱ and with the potential to reach a tipping point which could permanently change the overall community character in a manner contradictory to the intent of the College Area Community Plan and the Community Plan of other adjacent areas; and

WHEREAS, the pace of room additions has recently accelerated due to SDSU's 2007 adoption of a new Campus Master Plan, which raised the enrollment cap from 25,000 to 35,000 Full Time Equivalent (FTE) students, resulting thus far in an enrollment increase of approximately 3,000 FTE between 2005 and 2015ⁱⁱⁱ, and creating increased business opportunities for investors interested in the highly profitable market for student housing; and

WHEREAS, the 2008 recession dampened the pace of room additions due to a temporary decrease in student enrollment and lack of financing for housing modifications and new housing construction, but that temporary slowdown has now reversed itself, resulting in the addition of at least 137 new minidorms between November 2013 and November 2015, or more than one per week for the past two years;^{iv} and

WHEREAS, nearly a quarter (23%) of those 137 houses for which data is available have 5 to 9 bedrooms, well above the norm for the College Area;^v and

WHEREAS, there has recently been an increased number of individuals and limited liability corporations buying and owning multiple^{vi} RS zoned homes dedicated to RM uses in the area surrounding SDSU, as said properties are increasingly recognized as highly profitable, so that ownership of such properties has become a growing business for investors; and

WHEREAS, the 2008 enactment of the Residential High Occupancy Permit Ordinance has created a new business model whereby owners of these expanded properties pave over front, side and rear yards in order to satisfy the RHOP parking requirements, thereby causing further deterioration in the aesthetics of the neighborhood; and^{vii}

WHEREAS, the prospect of legislation to control further expansion of these properties is likely to result in a rush of applications for permits to expand such properties before such legislation is implemented; and

WHEREAS, the City is currently in the process of creating new development standards applying to a focused area, and other zoning amendments and, as a result, it is anticipated that development consistent with what has been occurring within the proposed overlay zone is likely to be inconsistent with the proposed ordinance; and

WHEREAS, in order to preserve the current single family residential zone and because developers may choose to apply for developments that would be illegal under the contemplated ordinance before it can be adopted, an interim prohibition should be adopted on any room additions, garage conversions, creation of multiple rooms out of individual rooms, paving over of front yards for parking, or comparable requests within the proposed focused area and;

WHEREAS, California Government Code section 65858 authorizes the City Council to adopt, by a four-fifths vote, without following the procedures otherwise required for the adoption of a zoning ordinance, an interim urgency ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission or any City department is considering or studying or intends to study within a reasonable time;

ⁱ Source: OpenDSD and SDPD Eastern Division report of calls October 2014 – September 2015

ⁱⁱ Source: Data collected by College Area Community Council Code Violations Committee. This figure (813 of approximately 4,000 RS zoned units in College Area, or 20%) reflects only those minidorms that have been identified by neighbors or advertisements, or observed visually; it is therefore likely to be understated. See map, Attachment 1.

ⁱⁱⁱ Source: San Diego State University website. 2015 actual student headcount was 33,230.

^{iv} Source: Data collected by the College Area Community Council Code Violations Committee, and likely to be understated. See Support Data for examples of recent room additions

^v Source: Data collected by College Area Community Council Code Violations Committee

^{vi} Source: Data collected by College Area Community Council Code Violations Committee

^{vii} See Support Data for examples of this practice.